



9 Prospects for a development-friendly EU migration policy



Migration is an inevitable product of globalisation. The complexity of the issue, with differing levels of legal status,¹ as well as its high political profile, has led to a heated public discourse in the European Union (EU) (Figure 16). This sometimes-xenophobic debate is dominated by discussion of the arrival of boats of refugees on the Southern borders of Europe, human trafficking, integration problems, and competition for low-skilled jobs. There is little rational discussion of other pertinent aspects of migration, such as economic questions with regard to skills gaps in the labour markets, the sustainability of EU social systems in an ageing society, and the impact on developing countries.

Internally, the EU seems to promote the free movement of its citizens, yet externally it has been perceived as aiming to build a 'Fortress Europe', characterised by restrictive immigration and labour migration policies as well as less than exemplary conduct in terms of integration, refugee and asylum issues in EU Member States. Illegal immigration² fell in the first half of 2009 and is to decrease further because of the impact of the economic crisis on the demand for labour.³ Nevertheless, it remains a predominant preoccupation in national politics, which is reflected in the debates at the October 2009 meeting of the European Council.⁴ The defensive attitude of the EU towards migration is often criticised as not beneficial for the EU's economy in the context of decreasing relative competitiveness, an ageing population, and a skills gap, as well as not being in line with the EU's global advocacy for free markets and human rights.

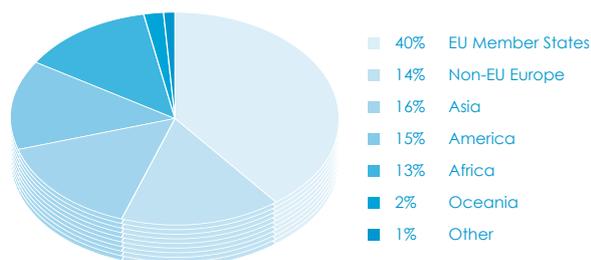
The development and implementation of migration policy cut across a number of administrative areas at national and EU level: interior, justice, economics and foreign affairs (Box 8). It is regulated under very different legal frameworks at national, at EU and at United Nations (UN) level. Regulatory frameworks across Member States differ in terms of entry, mobility, long-term residency, migrant rights, and the integration of migrants into the host communities.

In recent years, the EU has developed an ambitious programme, the 'Global Approach', to address the external dimensions of its migration policy as well as to increase Policy Coherence for Development (PCD) in this area. The EU's approach has three dimensions: the management of legal migration, the fight against illegal migration, and migration and development. In this way, the EU is also acting on its commitment in the 2005 EU Consensus on Development to include migration issues in the political dialogue, mainstream

Figure 16: Basic facts on EU migration

In 2006, an estimated 1.8 million people immigrated into the EU. Of those 1.8 million, the majority was Asian, closely followed by Americans, non-EU Europeans and Africans. Every year, around 400,000-500,000 people entered the EU illegally,⁵ arguably because the EU offers few opportunities for the legal migration of low-skilled migrants.

Foreign immigrants by the location of the country of citizenship



source: EU-27, 2006 (Eurostat, Migration Statistics)



Box 8: EU competencies in the migration area

At EU level, the Treaty of Amsterdam provided the basis for common measures on migration in 1997. Since then, migration policy has been a shared competence between the EU Member States and the European Community under the third pillar of the EU. Subject to unanimity voting in the Council, migration policy has been developed mainly in terms of restrictive measures, but little progress has been made in the field of legal migration.

While migration remains a shared competence, the third pillar of the EU ceases to exist under the Lisbon Treaty. Hence, all EU decisions on asylum, immigration and integration will be subject to qualified majority voting in the Council and the European Parliament (EP) will get more say through joint decision-making, also in the area of legal migration.⁶ Increasing EU integration through the Lisbon Treaty is expected to accelerate the creation of a common immigration and asylum policy and has the potential to impact on the capacity of the EC to negotiate agreements with third countries. However, the recent strengthening of the political right in the EP may work against a progressive common migration and asylum policy.

migration into development cooperation and create synergies between migration and development policy.

Migration and development: Recognising the development benefits from the movement of people and ideas

Over the last decade, insights from research on the impact of migration on countries of origin have added a development dimension to the policy discourse. Remittances that create demand in the local economy and often cover otherwise unaffordable education and health expenses of families remaining in developing countries, far exceed Official Development Assistance (ODA), and often also Foreign Direct Investment (FDI).⁷ Such private cash transfers are counter-cyclical, as opposed to ODA and FDI, quickly respond to crisis situations and also provide much needed hard currency for the treasury. Countries of origin also benefit from 'brain gain', the knowledge and technology transfers through returning migrants, new ideas and attitudes towards work, such as an awareness of the need for quality standards for export.

Migrants also can create new demand for governance reform and stimulate social and political change. In the past, migrants have successfully pushed for improvements in the business environment in their home countries, as governments recognise the potential of investment from the diaspora. 'Co-development' describes the process by which the diaspora invest in their home communities through ODA or government subsidies to multiply these benefits.

Tackling migration and development together will require lessening the negative effects of migration, such as 'brain drain', especially from the health sectors. It also means overcoming obstacles to exploiting the full potential of migration for development, such as a low standard of migrants' rights and poor working conditions or 'brain waste' – many highly skilled migrants work as taxi drivers or dish washers in Western countries.

In terms of policy, creating opportunities for legal migration and upholding migrants' rights are

clearly conditions for exploiting the full development potential of migration. In addition, research has shown that temporary labour migration is a win-win strategy for sending and receiving countries. For receiving countries, which most of the time want to deter low-skilled migrants, temporary migration schemes can be much more effective in fighting illegal migration than both security-driven measures and development cooperation aiming at fighting the root causes of migration.

First, the assumption that more development will lead to less immigration is generally not correct.⁸ The poorest tend to migrate less whereas increasing prosperity leads to more migration. Migration flows only decrease after a long period of sustained growth and decreasing wage gaps between the immigrants' home countries and those to which they migrate. Refugee flows are an exception to this rule; however, the root causes of persecution and conflict are not easily addressed by ODA alone (see Chapter 6). Second, circular mobility schemes that allow re-entry and facilitate or even subsidise the retention of social benefits and the transfer of cash, encourage migrants to return back home.

In the context of a widening global agenda for development policy and more political EU external action, migration will be one of the core areas in which the EU must prove its capacity and willingness to work together. It will also need to develop a progressive policy-mix whilst at the same time ensuring policy coherence.

EU policy on migration in 2010

Here, we focus on initiatives under the three areas of the Global Approach that are regarded as most relevant for creating synergies between migration and development (Table 4).

Legal migration

- The EU has negotiated the temporary movement of workers within its bilateral trade agreements, in addition to the multilateral commitments it has made within the framework of the World Trade Organisation's (WTO) General Agreement on Trade in Services (GATS). Most notably, the recent Economic Partnership Agreement (EPA) with the Caribbean Forum of African, Caribbean and

Table 4: The Global Approach

The following non-exhaustive list covers EU proposals in the three areas of the Global Approach since 2005.

Area:	Outcome:
Legal migration	
<ul style="list-style-type: none"> • Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ('Blue Card') • Migration Information and Management Centres • Visa Information System • Mobility Partnerships • Community Code on visas • Common visa application centres • Proposal for a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State 	<ul style="list-style-type: none"> • Adopted in May 2009 • CIGEM, Mali, opened in 2008 • Implementation delayed until 2010 • Moldova and Cape Verde, 2008; Georgia 2009 • Adopted in 2009 • One opened in Moldova in 2007 • Proposal in 2007: not yet adopted
Illegal migration	
<ul style="list-style-type: none"> • Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims • Directive of the European Parliament and the Council (2008/115/EC) on common standards and procedures in Member States for returning illegally staying third-country nationals ('Return Directive') • European Pact on Immigration and Asylum • Strengthening of FRONTEX • Creation of European Border Surveillance System (EUROSUR) • Readmission agreements 	<ul style="list-style-type: none"> • Proposed in 2009 • Adopted in 2008 • Adopted in 2008 • Proposed in 2008, endorsed by the Council • Proposed in 2008, endorsed by the Council, legislative proposals to follow • 12 agreements signed⁹
Migration and development	
<ul style="list-style-type: none"> • European Programme for Action to tackle the critical shortage of health workers in developing countries • Establish cooperation platforms • Low-cost transfer of remittances • Strengthen diaspora involvement • Strengthen migrants rights • Carry out migration missions 	<ul style="list-style-type: none"> • Little progress • One established in Ethiopia¹⁰, 2008, migration dialogue forum in South Africa • EC support to establishment of an African Remittances Institute • Facilitation of EU-wide Diaspora networks • See proposal under legal migration • 2007-2009: Migration missions to Nigeria, Ethiopia, South Africa and Tanzania, result unclear. Council Conclusions¹¹ suggest that EU should use missions more strategically to forge partnerships

Pacific States (CARIFORUM) countries provided new opportunities for movement in some high- and medium-skilled professions, as well as containing commitments to negotiate 'mutual recognition agreements' for professional qualifications. Similar provisions might still be reached in other ACP regions, while trade negotiations between the EU and India could also lead to significant commitments. Nevertheless, the EU has been criticised for a lack of ambition in this area, compared with more traditional forms of market access in goods and investment.

- The negotiation of mobility partnerships (Table 5) with countries in Eastern Europe and Africa, whose citizens frequently enter the EU, was agreed by the European Council in 2007 as a way to integrate legal migration opportunities into the EU's external policies and to facilitate circular and temporary migration adapted to Member States' labour market needs. The EU defines circular migration as 'a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries'.¹²
- Member States have not been able to agree on a clearer definition, as some are rather critical

of the concept, fearing that it would promote brain drain or could attract more unwanted migrants. A number of Member States interpret circular migration narrowly, and see it as a one-off temporary migration. However, recent Council Conclusions¹³ confirm the value of the instrument in addressing all three dimensions of the Global Approach.¹⁴ So far, the EU has only been able to develop three partnerships, with Moldova, Cape Verde and Georgia. To be eligible for a mobility partnership, countries had to be willing to cooperate on re-admission and the fight against illegal migration and in return received visa facilitation, access to the labour market and the provision of capacity-building from the EU. However, the partnerships risk lumping together existing programmes rather than being of additional value,¹⁵ and the EU's strong interest in fighting illegal migration is a difficult base on which to build a partnership.

- The 'Blue Card' directive, adopted in May 2009, regulates the admission of highly skilled migrants. Out of four¹⁶ directives envisaged in the EC's 2005 'Policy Plan on Legal Migration', only the one focusing on high-skilled migration had been

Table 5: Mobility partnerships with Cape Verde and Moldova

Cape Verde	Republic of Moldova
Cooperation on legal migration	
Monitoring and awareness of migration flows	Monitoring of migration flows
Support to Cape Verde asylum and migration policies	Consolidation of the National Migration Management System (inc. legal migration and asylum)
Information on legal migration and promotion of return	Information on legal migration and assistance for returning migrants
Labour migration schemes inc. circular migration	Labour migration schemes
	Social protection of migrants and their families
Development of labour market in Cape Verde	Development of the Moldovan labours market
University exchanges	
Visa facilitation, common visa application centre	The dialogue and cooperation on visa issues and readmission
Migration and development	
Circular migration of highly skilled migrants	Diaspora consolidation and co-development
Co-development	
Support to the Cape Verde health system	
Voluntary return and reintegration schemes	Voluntary return and reintegration schemes
Cooperation on illegal migration	
Cooperation on border management	Cooperation on border management, identity and travel documents, fight against illegal/irregular migration and trafficking in human beings
Patrolling and sea rescue	Consolidation of the National Migration Management System (inc. fight against illegal migration, border control and document security)
Security of travel and identity documents	The dialogue and cooperation on visa issues and readmission
Readmission	

source: SEC(2009) 1240 final, p. 10

adopted by 2009. However, the blue card scheme is voluntary¹⁷ and many Member States remain to set their individual quotas for blue cards, which are likely to be shaped by national politics. The EU still lacks mutual recognition standards for professional qualifications from third countries, which contradicts its free movement principle.

Illegal migration

Illegal migration is at the top of the political agenda of (particularly southern) Member States, but current discussions about, for example, the revision of the Dublin Regulation on Asylum,¹⁸ also engage northern European Member States. Some Member States are criticised for linking aid to re-admission agreements. Through bilateral agreements on border and coast control, such as the much-criticised one between Italy and Libya signed¹⁹ in 2009, some Member States in fact circumvent the Geneva Convention.¹⁹ The EU has been criticised for allocating funds to the 'reception capacity' of North African countries and negotiating framework agreements on re-admission with these countries, whose migration systems do not meet EU human rights standards. The EC has also considered delegating the processing of asylum requests to the

UN Refugee Agency (UNHCR) office in Libya, which, could be said to be externalising its responsibility, since that the necessary conditions are not in place in Libya.

- The Pact on Immigration and Asylum,²⁰ which Member States signed under the French Presidency in 2008, challenges the balance that the Global Approach promotes. In the areas of legal migration and of migration and development, it simply repeats existing proposals, whereas on illegal migration, it proposes to go further. The language of the pact is stronger than that of regular EU documents. It states that illegal immigrants have to leave the country immediately, criticises the practice of frequent regularisations, and suggests common arrangements for expulsion, as well as a European system of border guards. Partnerships with other countries are almost always discussed in terms of closer cooperation on deterring illegal migration and strengthening the control of the external border, rather than in the sense of true partnership with a mutual gain.
- The EU's directive on common standards and procedures in Member States for returning

illegal nationals²¹ is a step backwards for more progressive countries, who previously only allowed illegal migrants to be detained for less than 18 months. Yet there is hope that they will continue their past practice. The fact that children can be detained (even though this is a last resort) is highly questionable for the EU, which prides itself for its high human rights standards.

In a draft Communication²² on the Budget Review for the next Financial Perspectives of 2014-2020, the EC considered establishing a Migration Management Support Fund, to pool funding for integrated border and visa management, the European asylum system and the fight against illegal migration. This is a worrying sign, as funds designated to asylum-seekers should protect rather than deter them. In addition, 'mobility packages' are supposed to provide further incentives for partner countries to sign re-admission agreements.²³

Migration and development

The migration and development dimension of the Global Approach aims to support short-term targeted action to manage migration, and in the long-term, address the root causes of migration, with a focus on employment, governance and demographic developments and creation of synergies.²⁴ The focus is on countering the brain drain, developing systems to allow the transfer of remittances at a low cost, on developing closer links with diaspora communities with the aim of co-development, on encouraging circular migration, and on strengthening migrants' rights.

- The EU has tried to address brain drain on several occasions in recent years, including in the 2006 European Programme for Action to tackle the critical shortage of health workers in developing countries. The Blue Card directive states that Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from lack of personnel. In November 2008, the Council noted that the EU has fallen short of realising its ambitions in this area.²⁵
- In the area of remittances, processes such as the development of a chip-card for remittance transfers via mobile phones or support to a new African Remittances Institute, are ongoing, though no real results have been achieved so far.
- A dialogue platform with the diaspora is being set-up in the framework of the Joint Africa-EU Strategy (JAES), but it is still in its infancy.
- Making progress on the definition and implementation of a common approach to migrants' rights is a challenge raised in the recent Council Conclusions²⁶ on Migration for Development. In 2009, the UN issued a resolution (63/225) on migration and development, which calls on Member States to develop a coherent

and comprehensive approach to migration and development. The EU has taken steps on most of the areas mentioned in the resolution, with the exception of signing the UN Convention on Migrants Rights;²⁷ Member States argue that their national laws offer sufficient protection. In 2007, the EU proposed a directive on a common set of rights for third-country workers legally residing in a Member State, which is awaiting final decision. The EU's directives on family reunification have stirred controversy in the past, though this issue remains one of the main reasons for legal immigration to the EU. In 2008 and 2009, the EC reviewed the implementation of the directive on the right to family reunification and the directive on the right of citizens of the EU and their family members. Both reports²⁸ show that implementation has been disappointing.²⁹ The EU also falls short of setting out migrants' rights, which should apply to all migrants, irrespective of employment status, to protect their human rights.

- Several tools have been developed to underpin the migration and development dimension of the Global Approach, such as the drawing up of migration profiles to pool information on migration or the creation of cooperation platforms on migration in partner countries (which already exist in Ethiopia).
- In terms of political dialogue, new initiatives in addition to already existing frameworks, such as articles 8 and 13 of the Cotonou Partnership Agreement, have been started, including:
 - Migration missions to a partner country, aim at enhancing dialogue and strengthening the commitment of the partner country to work with the EU and increasing ownership. A number of such missions have taken place in recent years but whether they have led to more dialogue, ownership and commitment is difficult to assess at this stage.
 - The Partnership for Migration, Mobility and Employment (MME) under the JAES, launched in 2007, was meant to translate the global approach into concrete terms. Little progress has been made in implementing the partnership's roadmap, however, mainly due to lack of active engagement from Africa. This led to three changes in the African Co-Chair of the Joint Expert Group, which therefore only met twice in two years. There were also serious disputes over funding. A fund of €266 million was discussed at the Ministerial Conference in Tripoli in 2006; African participants insisted that the fund would allow for easy access and coherent programming. The European argument is that sufficient funds are already allocated to migration in the various instruments of the EC.

- Some strong reactions from partner countries on a number of recent EU decisions on migration demonstrate a demand for political dialogue with the EU on migration issues. For example, it was suggested that the EU's 2008 Pact on Asylum and Migration "reinforced a negative predisposition toward migration".³⁰ The 'Return Directive' (see above) also was most prominently criticised in a letter³¹ by Bolivian President Evo Morales to the European Parliament, accusing the EU of hypocrisy, because it weakened guarantees on human rights.³² However, the possibilities for a structured dialogue for instance under the MME Partnership of the JAES have not yet been exploited by African countries.³³

Since the Tampere European Council in 1999, the EC has increasingly integrated migration into its development programmes. It has reinforced its effort to improve the impact of migration on development since its Communication on the same topic in 2005. A number of different EU financial instruments target different migration issues.³⁴

The EU funding for migration programmes for the ACP region has been heavily concentrated on Africa. Within Africa, the EC funded migration-related programmes and projects for €82 million in the 9th European Development Fund (EDF). Forty percent of the total EU migration fund is allocated to the ACP region, and €25 million of this, mainly through the Intra-ACP Migration Facility, is aimed at building capacity for integrating migration into national and regional development plans in that region. The second largest allocation goes to regional programmes in West Africa. Mali is the largest individual recipient of migration funds because in 2008, a €10 million Centre d'information et de gestion des migrations (CIGEM) was set up to define and implement a migration policy that responds to national, regional and international dynamics. The overall allocation of funds between programmes that emphasise security and management aspects, and the development impact or strengthening of institutions is rather balanced, while human rights related issues receive significantly less funding.

Challenges

Political will for a progressive policy

The main challenge for a development-friendly EU migration policy is advancement in the area of legal migration. Creating opportunities for labour mobility is what is most needed to allow for progress in the other areas of the Global Approach. Making headway is to a large extent a question of political will to increase EU integration on migration and for a less restrictive approach. Giving the EC more space

to drive migration policies at arm's length from populist pressures at national level, could improve the development-friendliness of EU migration policy.

A progressive migration policy would be in the interest of the EU, and therefore the Development Commissioner should play an important role in forging political will for Policy Coherence for Development (PCD) in migration policy across the EU. Migration has been one of 12 priority areas in the EU efforts to increase PCD since 2005. Initiatives undertaken in several Member States are documented in the latest progress report,³⁵ yet at EU level progress has been slow.

The 2009 Communication on PCD refers to the EC's intention to introduce an 'ODA-plus concept', which sets out how spending that is currently not counted as ODA can benefit development (e.g. money sent by immigrants back to their families). This bears the risk of an instrumentalisation of ODA for internal interests. Already 52% of aid is spent on "assistance offered to asylum-seekers from developing countries" and counted as ODA in Cyprus (2007).³⁶ The draft EC proposal for mobility packages providing incentives for partner countries to sign readmission agreements, linked to a Migration Management Support Fund for the fight against illegal migration highlight these pressures and point towards interests to centralise the management of internal and external dimensions of EU migration policy under the Directorate-General for Justice, Freedom and Security.

Better implementation

Coordination and complementarity between the EU Member States, and between Member States and the EC at headquarters and in the field, and consistency across the various policy areas and institutional structures dealing with migration issues can clearly be improved. More than 12 years have passed since the Amsterdam Treaty was signed, yet the EU still struggles with a low level of shared information, a lack of comparable statistics, an uneven share of responsibilities, and weak monitoring and evaluation mechanisms.³⁷

A key implementation challenge for the new EC will be to meaningfully mainstream migration issues into development cooperation. Currently, migration and development policy is developed and implemented in parallel to country strategies rather than in a coherent manner.

Another challenge for the new EC is to demonstrate the benefits so as to consolidate the progress made. A lack of dissemination of information on progress and benefits would exclude developing countries and regional partners from productive exchanges and feedback processes, which are critical for their contribution in joint programmes.

Recommendations

The main challenge is to move beyond aid programmes towards proactively promoting PCD in EU migration policy. First, we need a new discourse on migration in the EU that emphasises the opportunities and benefits of migration. Second, we should contribute to the development of innovative legal channels for labour migration from developing countries. After all, legal migration is the basis for taking advantage of the opportunities of migration for development, both for individuals and for the development of countries and regions.

Our recommendations are in line with the 'Core package of reforms' proposed by the 2009 Human Development Report on Migration (Box 9).

Ensuring policy coherence for development

The first task should be to follow the principle of PCD, to ensure innovative mobility schemes that benefit both the EU and the developing world to ensure that non-development policies (i.e. migration policy) do not have a negative impact on developing countries:

Legal migration

- The EU should support the development of a progressive common immigration and asylum policy and a uniform high standard on the protection of migrant's rights.
- Whereas some Member States have started to implement real³⁸ circular migration policies, the EU as a whole has yet to reach such policy conclusions. The EU should facilitate the establishment of sustainable mechanisms for circular migration for both highly-skilled and

Box 9: Reforms needed

1. Liberalising and simplifying regular channels that allow people to seek work abroad;
2. Ensuring basic rights for migrants;
3. Reducing transaction costs associated with migration;
4. Improving outcomes for migrants and destination communities;
5. Enabling benefits from internal mobility; and
6. Making mobility an integral part of national development strategies.

Source: The UN Human Development Report 2009 Overcoming Barriers: Human Mobility and Development'

low-skilled workers that allow for flexibility and openness in terms of contracts, entry and re-entry, and provide financial return incentives. However, these initiatives ought to take into account the specific needs and motivations of migrants, the interests of countries of origin and Member States. To exploit the potential of mobility partnerships for example, the EU must

make them attractive for partners and refrain from turning them into 'security partnerships' focusing on re-admission, and introducing aid conditionality when it is not appropriate.

- The EU's Blue Card policy should be used to benefit migrants, host societies and countries of origin. The EU needs to harmonise the recognition of qualifications and develop a framework for determining such qualifications, possibly based on its experiences from the Barcelona process of recognising internal diplomas.
- Ensure that EU recruitment policies do not exacerbate brain drain.

Illegal migration

- Efforts to facilitate legal cash transfers should not be counteracted by Member States trying to stop illegal immigrants from doing so. Adopting the Payment Services Directive to international remittances in 2011 would be an important constructive step.
- The Working Party on Development Cooperation (CODEV) should play a stronger role in drawing up migration policy. Issues on migration are often referred to the High Level Working Group on Migration and Asylum, which was established to reduce the influx of migrants and analyse and fight the causes of migration.

The second task is to resist the use of ODA for policies aimed at deterring and controlling migration. The type of migration projects and programmes expected to contribute to development in a sustainable and significant manner need to be better defined.

Finally, much remains to be done to develop the tools proposed in the migration and development area.

Mainstreaming migration into development cooperation

- Migration issues need to be included systematically in the political dialogue with partner countries – not only with the prime migrant-sending countries and regions to the EU.
- EU-wide diaspora networks need to be systematically included in mainstreaming activities. Their knowledge of the local context, experiences and expertise could augment the EU migration and development policy efforts, but issues such as diaspora fragmentation and diversity should not be overlooked.
- Mainstreaming of migration into EC development assistance will require a more holistic conceptualisation of the benefits of migration for development: going beyond isolated initiatives on issues such as the brain drain, remittances or co-development. The EU should support the integration of migration issues

into partner countries' national development strategies and Poverty Reduction Strategy Papers to avoid fragmentation. There must also be coherence between the development of the education sector and the needs of the economy and the labour market.

- Integration of migration into national development strategies will require EU support to institutional capacity development and the establishment of effective migration policies and institutions in the countries of origin, with an emphasis on ownership and sustainability of institutions and programmes. This could include support for South-South cooperation and joint resource mobilisation in order to strengthen the

capacity of developing country governments in the management of migration.

- The operationalisation of mainstreaming within the EC needs to be improved, across the Directorates General (DGs) and at headquarters and delegation level, which will need investment in expertise and clearer staff mandates.

A stronger and more coherent EU offers possibilities for win-win outcomes of a more progressive EU migration policy. Yet a lot remains to be done to ensure that migration can contribute to development in migrants' countries of origin in the South.

1. Definitions: Immigrants: Hold a residence permit on the basis of a labour mobility scheme, of asylum according to the Geneva Convention, of family re-unification or of special bilateral agreements; as soon as they are granted citizenship, they are no longer immigrants; Asylum-seekers: refugees who submit a request for asylum on the ground of persecution because of political, religious reasons or because they belong to a persecuted group as defined by the Geneva Convention. If asylum is granted, they become immigrants. Readmission: If migrants' requests for a permit are declined, they are sent back to their country of origin or a 'safe third country'. If there is no safe third country, refugees must get a residence permit ("principle of non-refoulement"). EU Member States and increasingly also the EU negotiate readmission agreements with countries of origin or safe countries to take back immigrants without a residence permit (declined asylum seekers, refugees that have entered the country illegally without requesting asylum).

2. According to Europol, illegal immigration is the "attempt to enter a country clandestinely or by deceptive means". See: http://www.europol.europa.eu/publications/Serious_Crime_Overviews/Illegal_Immigration_Fact_Sheet_2009.PDF

3. FRONTEX (2009), 'The impact of the global economic crisis on illegal migration to the EU'. Available at http://www.frontrix.europa.eu/gfx/frontrix/files/justyna/frontrix_raport.pdf

4. The European Council debated solidarity with Member States under migratory pressures, the enhancement of FRONTEX, closer relations with Libya on managing migration, and an emphasis on the importance of readmission agreements as well as the need for the acceleration of the Global Approach.

5. Britain, Ireland and Denmark continue to

opt out of many migration-related policies under the Lisbon Treaty.

6. Trauner, F. and Kruse, I. (2008), 'EC visa facilitation and readmission agreements: a new standard EU foreign policy tool', *European Journal of Migration and Law* (10), pp. 411-438 Available at: <http://www.ceps.eu/ceps/download/1475>

7. The Economist (2009), 'The aid workers who really help. How much do migrants, by sending remittances and other means, act as catalysts for development in the countries they leave behind?', 8 October 2009: "The World Bank says foreign workers sent US\$328 billion from richer to poorer countries last year, more than double the US\$120 billion in official aid flows from OECD members. India got US\$52 billion from its diaspora, more than it took in foreign direct investment."

8. De Haas, H. (2006), 'Turning the tide? Why 'development instead of migration' policies are bound to fail.' See: <http://www.imi.ox.ac.uk/pdfs/wp2-development-instead-of-migration-policies.pdf>

9. Albania ('05), Bosnia and Herzegovina ('07), Macedonia ('07), Hong Kong ('03), Macao ('04), Moldova ('07), Montenegro ('07), Pakistan ('08) Russia ('07), Serbia ('07), Sri Lanka ('05), Ukraine ('07)

10. Informal sources have suggested that the cooperation platform has focused on border management rather than migration and development as often suggested by the EC. Public information on the platform is difficult to obtain.

11. Council of the European Union (2009), 'Draft Council Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration'. See: <http://register.consilium.europa.eu/pdf/en/09/st15/st15811.en09.pdf>

12. EC (2007), 'Communication on circular migration and mobility partnerships between the European Union and third countries'. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:HTML>

13. Council of the European Union (2009), 'Draft Council Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration'. See: <http://register.consilium.europa.eu/pdf/en/09/st15/st15811.en09.pdf>

14. However, Carrera & Hernández i Sagrera (2009) argue that they should rather be called 'security' partnerships because their main emphasis is on EU security concerns. They also argue that the fact that they are not legally-binding poses a risk for migrants' rights. For more information: Carrera S., Hernández i Sagrera R. (2009), 'The Externalisation of the EU's Labour Immigration Policy: Towards Mobility or Insecurity Partnerships?' See: <http://www.ceps.eu/ceps/download/2180>

15. EC (2009), 'EC Staff Working Document: Mobility partnerships as a tool of the Global Approach to Migration.' See: <http://register.consilium.europa.eu/pdf/en/09/st13/st13489.en09.pdf>

16. In addition to the Blue Card, 'proposal for a directive on the conditions of entry and residence of seasonal workers', 'proposal for a directive on the procedures regulating the entry into, the temporary stay and residence of Intra-Corporate Transferees (ICT)' and 'proposal for a directive on the conditions of entry and residence of remunerated trainees'. The 2001 'proposal for a directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities' was withdrawn in 2006.

17. National schemes Czech Green Card still emerge alongside EU proposals. The Czechs

argued that a common migration system for high-skilled migrants was inappropriate while the labour mobility from new EU Member States was still limited.

18. The Dublin Regulation states that asylum-seeker applications must be treated in the EU country where migrants first arrived, Southern Member States would like to change this.

19. EU Observer (2009), 'EU turns blind eye to 'inhuman' Italy-Libya pact, watchdog says'. 21 September 2009. See: <http://euobserver.com/22/28692>

20. European Council (2008), 'Pact on Immigration and Asylum', See: <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

21. Council of the European Union (2008), 'Directive of the European Parliament and the on common standards and procedures in Member States for returning illegally staying third country nationals'. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

22. See: <http://www.euractiv.com/pdf/Draft%20document%20reforming%20the%20budget%20oct%202009.pdf>

23. 'Mobility packages' was the term used by the EC before 2007, for a similar concept to 'mobility partnerships'.

24. EC (2008), 'Strengthening the global approach to migration: increasing coordination, coherence and synergies'. See: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0611:FIN:EN:PDF>

25. Council of the European Union (2008), 'Council Conclusions on strengthening health systems in developing countries'. See: <http://register.consilium.europa.eu/pdf/en/08/st15/st15391.en08.pdf>

st15391.en08.pdf

26. Council of the European Union (2009), 'Policy Coherence for Development: draft Council Conclusions on Migration for Development'. See: <http://register.consilium.europa.eu/pdf/en/09/st15/st15806.en09.pdf>

27. <http://unesdoc.unesco.org/images/0015/001525/152537E.pdf>

28. EC (2008), 'Report from the EC on the application of directive 2003/86/EC on the right to family reunification'. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0610:EN:NOT>
European EC (2009), 'Communication on guidance of for better transposition and application of Directive 2004/38/EC'. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF>

29. Regarding the former directive, the EC notes that misapplications have occurred in view of the provisions on visa facilitation, granting autonomous residence permits, taking into account the best interest of the child, legal redress and more favourable provisions for the family reunification of refugees. Little policy harmonisation has taken place across Member States, and a number of Member States are reported to have lowered their standards, taking advantage of low-level binding character of the directive. Regarding the latter directive, migrants have often faced problems regarding their right of entry and residence.

30. MercoPress, 1 October 2008, 'Brazil cautions Europe on the Immigration Pact'. See: <http://en.mercopress.com/2008/10/01/brazil-cautions-europe-on-the-immigration-pact>

31. Guardian (2008), '42 days? Try 18 months', 16 June 2008. See: <http://www.guardian.co.uk/commentisfree/2008/jun/16/eu.immigration>

32. Under the directive children can be detained at a last resort, illegal migrants can be detained for up to 18 months and they face an entry ban of five years following deportation.

33. Perhaps an exception to this statement is the fact that the African stakeholders demanded that mobility and employment were also included in this partnership rather than just migration.

34. Slightly over 50% of all migration programmes have been funded through the European Development Fund (EDF). The remaining amount is funded through various channels, including the Aeneas programme managed by DG AidCo (under EDF 9), the Development Cooperation Instrument/ Thematic Programme on Migration (under EDF 10), the Rapid Reaction Mechanism managed by DG RELEX, the Human Rights (EIDHR) and NGO budget lines managed by the Delegations and programmes managed by DG Justice, Freedom and Security.

35. EC (2009), 'EU 2009 Report on Policy Coherence for Development'. Available at : http://ec.europa.eu/development/icenter/repository/SWP_PDF_2009_1137_EN.pdf

36. Cyprusaid (2009). See: [http://www.planning.gov.cy/planning/Planning.nsf/AttachmentArchive/1D6633BC4757FC74C2257599003BAF12/\\$file/CyprusAid%20Brochure%20Eng.pdf?openelement](http://www.planning.gov.cy/planning/Planning.nsf/AttachmentArchive/1D6633BC4757FC74C2257599003BAF12/$file/CyprusAid%20Brochure%20Eng.pdf?openelement)

37. EC (2008), 'EC Staff Working Document on a common Immigration Policy for Europe: Principles, actions and tools - Impact assessment'. See : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2008:2027:FIN:EN:PDF>

38. As opposed to temporary migration schemes